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Date of Deposit: August 25, 2009

Attorney Docket No. 20363-013NATL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Kaelin et al.
SERIAL NUMBER: 10/533,839 EXAMINER: Hill, Kevin Kai
FILING DATE: March 14, 2006 ART UNIT: 1633
FOR: IN VIVO IMAGING OF E2F-REGULATED BIOLUMINESCENT PROTEINS

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

I, Pamela Ariniello, declare:

1. I am Associate General Counsel for Intellectual Property for the Dana Farber Cancer Institute, the assignee of the claimed in the above-referenced patent application. I am authorized to sign on behalf or the assignee.
2. The invention was completed in the United States prior to October 4, 2002, the earliest priority date of US Patent No. 7,041,869 ("Holland"). The Holland reference was cited by the Examiner in the February 25, 2009 Office Action.
3. The evidence provided in this declaration demonstrates that the invention claimed in this application was conceived before the October priority date of the Holland reference.
4. I submit herewith a copy of an Invention Summary Document dated September 8, 2002 (Exhibit A). This Invention Summary was submitted to the Office of Patent Counsel at the Dana Farber Cancer Institute by the inventor, Dr. William Kaelin, of the above-referenced patent application. This Invention Summary Document was used in the preparation of the priority application filed November 4, 2002. This Invention Summary Document demonstrates that Dr. Kaelin conceived of the claimed invention prior to the October 4, 2002 priority date of the Holland reference and Dr. Kaelin's due diligence to the filing of instant application.
5. This Declaration is submitted before issuance of the final rejection in the present application.

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6. As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Pamela Ariniello
Declarant's Signature

Full Name of Declarant: Pamela Ariniello

August 25, 2009
Date

Attachment:

Exhibit A: Invention Summary of Dr. Kaelin, dated September 8, 2002

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